

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JOSE JULIO DURAN ABREGO,

Plaintiff,

v.

Case No. 2:23-cv-02515-MSN-cgc
JURY DEMAND

ESMERALDA ELIZABETH ESCOBAR
GUERRA,

Defendant.

ORDER REGARDING RETURN OF THE CHILD

THIS CAUSE came to be heard on July 29, 2024 upon Plaintiff JOSE JULIO DURAN ABREGO’s (“Father”) Motion for Status Conference, filed on July 15, 2024, (ECF 52). Upon statements of Counsel and the entire record as a whole, and as stated at the Status Conference, the Court finds as follows:

1. On August 16, 2023, Father filed a *Verified Petition for Return of the Child to El Salvador Pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act (22 USC 9001, et seq.)* (“Verified Petition”), requesting that Defendant, ESMERALDA ELIZABETH ESCOBAR GUERRA (“Mother”), be ordered to return the parties’ minor son, namely, J.J.D.E. (PA: 6), to El Salvador.

2. Father’s Petition was brought before this Court under the Hague Convention. In *Friedrich v. Friedrich*, 78 F.3d 1060, 1063-64 (6th Cir. 1996), the court stated, “[A] court in the abducted-to nation [United States] has jurisdiction to decide the merits of an abduction claim, but

not the merits of the underlying custody dispute” (emphasis added). Therefore, this Court is without the authority to make a custody and/or visitation determination.

3. This Honorable Court conducted an evidentiary hearing on Father’s Verified Petition over four (4) nonconsecutive days - January 12, January 29, February 12, and February 16, 2024.

4. On May 28, 2024, this Honorable Court entered an *Order Granting Petition for Return of the Child*, wherein this Court, in relevant part, ordered that the minor child be returned to El Salvador within forty-five (45) days of the Order. Therefore, the minor child was to be returned to El Salvador by Friday, July 12, 2024.

5. The parties have been unable to coordinate a return plan for the minor child, despite Father’s numerous attempts to coordinate the same.

6. Therefore, the parties shall meet at the Consulate General of El Salvador, located at 311 Plus Park Blvd., Suite 110, Nashville, Tennessee 37217 on Friday, August 2, 2024, at 10:00 AM to complete the necessary paperwork for the minor child to obtain a Salvadoran passport that would allow him to travel to El Salvador.

7. The parties shall travel back to Shelby County, Tennessee, to obtain the minor child’s personal belongings so that he and Father may return to El Salvador.

IT IS SO ORDERED, this 29th day of July, 2024.

s/ Mark S. Norris
MARK S. NORRIS
UNITED STATES DISTRICT JUDGE